

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

JOHN STRONG SR.

Plaintiff,

Case No.:

Hon.:

v.

CARL HUDSON,  
GEBRE AKELOM, and  
MARSHALL TRANS. INC.,

Defendants.

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THE SAM BERNSTEIN LAW FIRM  
RONALD S. MARVIN (P43699)  
Attorney for Plaintiff  
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There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

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**COMPLAINT AND JURY DEMAND**

NOW COMES Plaintiff, JOHN STRONG SR. by and through his attorneys, THE SAM BERNSTEIN LAW FIRM, by RONALD S. MARVIN, and for his cause of action against Defendants, CARL HUDSON, GEBRE AKELOM, and MARSHALL TRANS INC., respectfully shows unto this Honorable Court as follows:

**JURISDICTIONAL BASIS UNDER 28 U.S.C. §1332(a)(2)**

1. That Plaintiff, JOHN STRONG SR., is and was at the time of the cause of action pled, a resident of the County of Berrien, State of Michigan.

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2. That Defendant CARL HUDSON is, upon information and belief, a resident of the County of Liberty, State of Georgia.

3. That Defendant GEBRE AKELOM is, upon information and belief, a resident of the County of Cook, State of Illinois.

4. That Defendant, MARSHALL TRANS INC. is, upon information and belief, a foreign profit corporation whose resident agent is located in the County of DuPage, State of Illinois, licensed to do business through the State of Michigan.

5. That upon information and belief, and for all times relevant herein, the Defendants, CARL HUDSON and GEBRE AKELOM, were/are employees/agents/servants (ostensible or actual) of the Defendant MARSHALL TRANS INC., acting within the course and scope of their employment/agency while doing business within the County of Kalamazoo, State of Michigan.

6. That original injury occurred in the County of Kalamazoo, State of Michigan.

7. That the amount in controversy in this litigation exceeds the sum of Seventy-Five Thousand (\$75,000.00) Dollars exclusive of costs, interest and attorney fees.

8. Jurisdiction is properly vested this Court pursuant to 28 U.S.C. §1332(a)(2).

### FACUAL BASIS OF CLAIM AND LEGAL ASSERTIONS

9. That on or about January 8, 2022, Plaintiff JOHN STRONG SR., was the operator of a 2014 Chevrolet motor vehicle bearing the Michigan registration EHT5268 and driving eastbound on I-94 at or near its intersection with Raunch Road in Kalamazoo County, State of Michigan.

10. At aforementioned place and time, Defendant, CARL HUDSON, was the operator of a 2013 Freightliner motor vehicle bearing the Illinois license plate number P1109410, in which said individual was driving in a careless, reckless, and negligent manner while also driving

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eastbound along and upon I-94, at or near its intersection with Raunch Road, when said individual did fail to maintain an appropriate speed considering the road conditions.

11. At the same aforementioned place and time, Defendant GEBRE AKELOM was the operator of a 2016 Freightliner motor vehicle bearing the Illinois registration P1104025, in which said individual was driving in a careless, reckless and negligent manner in an eastbound direction along and upon I-94, at or near its intersection with Rauch Road, when said individual did fail to maintain an appropriate speed considering the road conditions.

12. Due to the negligence on behalf of both Defendants CARL HUDSON and Defendant GEBRE AKELOM, a multiple vehicle collision ensued eastbound lanes of traffic including that of your Plaintiff JOHN STRONG SR. who was unable to avoid a collision and struck the trailer of Defendant GEBRE AKELOM's vehicle causing serious and permanent injuries to Plaintiff as herein alleged.

13. That upon information and belief, and for all times relevant herein, the Defendants, CARL HUDSON and GEBRE AKELOM, were/are employees/agents/servants (ostensible or actual) of the Defendant MARSHALL TRANS. INC. acting within the course and scope of their employment/agency while doing business within the County of Kalamazoo, State of Michigan.

14. That at the aforementioned time and place, Defendants, CARL HUDSON and GEBREA KELOM, were operating the 2013 and 2016 Freightliner motor vehicles owned by Defendant MARSHALL TRANS INC., with their express and/or implied knowledge and consent.

15. That at all time pertinent hereto, Defendants, MARSHALL TRANS INC., was the owner of the vehicles being negligently driver by Defendants, CARL HUDSON and GEBRE AKELOM and as a consequence of its ownership, Defendants MARSHALL TRANS INC. bears the legal responsibility pursuant to agent/employer responsibility as well as under the applicable

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Owner's Liability Statute/Act for the negligent acts/omissions of Defendants, CARL HUDSON and GEBRE AKELOM as hereinafter set forth and described.

16. That it then and there became and was the duty of Defendants, CARL HUDSON and GEBRE AKELOM herein, to drive aforesaid motor vehicles with due care and caution in accordance with the statutes of the State of Michigan and the rules of the common law applicable to the operation of motor vehicles, but that notwithstanding said duties, your Defendants, CARL HUDSON and GEBRE AKELOM did negligently breach and violate the same in one or more of the following particulars:

- a. Failing to drive said motor vehicle on the highway at a careful and prudent speed, not greater than was reasonable and proper, having due regard to the traffic, surface and width of the highway and other conditions then and there existing as required by MSA 9.2327; MCL 257.627(1), and/or MCL 257.627(6);
- b. Failing to comply with State and/or Federal trucking regulations including but not limited to compliance with the Motor Carrier Safety Act as required by MCL 257.719, the Federal Motor Carrier Safety Administration (FMCSA) guidelines and recommendations and provisions of the Michigan Commercial Driver License manual;
- c. Failing to keep proper or any lookout for traffic when they knew or should have known that such failure would endanger the life and limb of other persons along and upon said highway;
- d. Failing to have said vehicles and/or trailers equipped with brakes adequate to control its movement and stop and hold it as required by MSA 9.2405 and/or the FMCSA;
- e. Failing to conduct a proper pre-trip inspection of the vehicles operated by defendants in violation of MCL 257.307, the Michigan Commercial Driver License Manual and/or the FMCSA ;
- f. Failing to give audible warning of the approach or presence of said motor vehicles when reasonably necessary to ensure its safe operation as required by MSA 9.2406;
- g. That they drove said motor vehicles in careless, reckless and negligent manners in violation of MCLA 257.626;
- h. That they did negligently engage in improper lane use;

- i. That they did negligently fail to keep proper and safe lookout for other vehicles;
- j. That they did negligently fail to timely perceive and react to other vehicles established in the roadway;
- k. That they did negligently fail to stop and/or slow to avoid impact;
- l. That they did negligently fail to maintain an assured clear distance between vehicles;
- m. In otherwise negligently failing to exert that degree of care, caution, diligence and prudence as would be demonstrated by a reasonably prudent person under the same or similar circumstances; and
- n. That they did commit and/or omit other acts of negligence as yet unknown to Plaintiff but which will become known during the course of discovery.

17. That Defendants, MARSHALL TRANS INC., are vicariously liable for the negligent acts and/or omissions of the Defendants, CARL HUDSON and GEBRE AKELOM, by virtue of the terms of agent/employer liability as well as the applicable Owners Liability Statute including but not limited to MCLA 257.401.

18. That as a direct and proximate result of the negligent acts and/or omissions on the part of Defendants, your Plaintiff was caused and will be caused in the future to suffer with severe, grievous and permanent personal injuries, disability, damages, serious impairment of bodily functions and permanent, serious disfigurement, the full extent and character of which are currently unknown but, which will include but, are not necessarily limited to the following:

- a. Injuries to the head and face, including multiple fractures;
- b. Bleeding in the brain with resultant traumatic brain injury;
- c. Fractured ribs;
- d. Injuries to the lower right extremity, namely a fractured leg with resulting disability and impairment;
- e. Pain, suffering, discomfort, disability, and extreme physical and emotional suffering past, present and future;

- f. Severe and continuing embarrassment, humiliation, anxiety, tension and mortification; and
- g. Loss of possible wage loss and natural enjoyments of life.
- h. Costs of medical treatment, rehabilitation, physical therapy as well as prescriptions including any such expenses in excess of Plaintiff's Michigan No Fault Insurance.
- i. Reimbursement to Plaintiff's disability plan, health plan, or any other third party payors of disability and/or benefits distributed due to this occurrence.

**COUNT II**  
**OWNER'S LIABILITY STATUTE**  
**RESPONDEAT SUPERIOR**

19. Plaintiff hereby adopts and incorporates by reference each and every allegations contained in the General Allegations and Count I of this Complaint as if more specifically set forth herein, word for word and paragraph by paragraph.

20. That at the aforementioned time and date, Defendants CARL HUDSON and GEBRE AKELOM were operating the offending vehicles owned by co-defendants MARSHALL TRANS. INC with their implied knowledge and consent.

21. That co-defendants MARSHALL TRANS INC. are vicariously liable for the actions/inactions and/or negligence of Defendants CARL HUDSON and GEBRE AKELOM under the applicable Owner's Liability Statute including but not limited to Michigan Statute MCL 257.401.

22. Further co-defendants MARSHALL TRANS INC. are vicariously liable for the actions of Defendants CARL HUDSON and GEBRE AKELOM under the doctrine of

respondeat superior, with said liability imposed for the actions/inactions of its employee/co-defendants CARL HUDSON and GEBRE AKELOM during the course of their employment.

WHEREFORE, Plaintiff, JOHN STRONG SR, prays that this Honorable Court and/or trier of fact award him damages against the Defendants CARL HUDSON, GEBRE AKELOM, and MARSHALL TRANS INC., in whatever amount in excess of Seventy Five Thousand (\$75,000.00) Dollars to which Plaintiff is found to be entitled to receive, together with costs, interest and attorney fees.

**JURY DEMAND**

NOW COMES the Plaintiff, JOHN STRONG SR, by and through his attorneys, THE SAM BERNSTEIN LAW FIRM, by RONALD S. MARVIN, and hereby respectfully demands a trial by jury in the above-entitled cause of action.

Respectfully submitted,

THE SAM BERNSTEIN LAW FIRM

/s/ Ronald S. Marvin

RONALD S. MARVIN (P43699)

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Dated: July 14, 2022

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